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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/162,735	09/29/98	GESSNER	R 013.0072

TM31/0403
ERIK B CHERDAK & ASSOCIATES
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EXAMINER

PAULA, C

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 04/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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EXAMINER

TM02/0227

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PAULA, C

ART UNIT

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02/27/01

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/162,735

Applicant(s)

GESSNER, RICK

Examiner

CESAR B PAULA

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2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on 12/7/00.

This action is made final.

2. In the amendment, claims 19-21 have been added. Claims 1-21 are pending in the case. Claims 1, 7, and 13 are independent claims.

3. The rejections of claims 1-2, 4-8, 10-14, and 16-18 under 35 U.S.C. 103(a) as being unpatentable over *Colby* (Colby, Martin. Special Edition Using SGML. Que, Macmillan Computer Publishing. ©1996. Chapter 17.) have been withdrawn as necessitated by the amendment.

4. The rejections of claims 3, 9, and 15 under 35 U.S.C. 103(a) as being unpatentable over *Colby* as applied to claim 1 above, and further in view of *Powell* (Powell, Thomas A. "Extend the Web: An XML Primer. Internetweek, 11/24/97, Issue 691, pg. 47.) have been withdrawn as necessitated by the amendment.

Drawings

5. The draftsman objects to the drawings. See attached form PTO-948 for details. Correction is required. However, formal correction of the noted defects can be deferred until the examiner allows the application.

Specification

6. Appropriate corrections have been made to the specification, except for the proposed amendment to p.5, line 28, which has not been entered, since the directions are unclear. Appropriate correction is required. Otherwise, the objections have been removed.

Claim Rejections - 35 USC § 112

7. Appropriate corrections have been made to claim 5, therefore its rejection has been removed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al, hereinafter Hsu (Pat. # 6,154,754, 11/28/00, filed on 9/25/97).

Regarding independent claim 1, Hsu teaches "hypermedia has become increasingly important in many applications, ranging from browsing of consumer-type information over the Internet" (col. 1, lines 12-67). Hsu fails to explicitly teach *a scanner accessing an input content stream via a network connection*". It would have been obvious to one of ordinary skill in the art at the time of the invention to have scanned the content stream, because Hsu teaches an invention for "constructing semantic media structures for all different media in media documentation" (col. 1, lines 8-67).

Moreover, Hsu teaches "an error corrector for receiving raw AIU'S and for providing corrected raw AIU's" (col. 2, lines 15-22, and col. 5, lines 32-67). Hsu fails to explicitly teach *a parsing component coupled to said scanner component for parsing said renderable content, said renderable content containing both malformed and well-formed expressions*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have parsed the content,

because Hsu teaches an invention above for correcting content containing data containing *both malformed and well-formed expressions*.

Furthermore, Hsu teaches *a replaceable document type definition component....to transform said renderable content into well-formed objects to be processed by a content model*—Hsu teaches “an error corrector for receiving raw AIU’S and for providing corrected raw AIU’s” (col. 2, lines 15-22, col. 4, lines 29-39, and col. 5, lines 32-67). Hsu fails to explicitly disclose *a replaceable document type definition....being replaceable during execution of said network client*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have replaced the well-formed, and mal-formed components during execution of a network client, because Hsu teaches an invention for “constructing semantic media structures for all different media in media documentation” (col. 1, lines 8-67).

Regarding claim 2, which depends on claim 1, Hsu teaches “an error corrector for receiving raw AIU’S and for providing corrected raw AIU’s” (col. 2, lines 15-22, col. 4, lines 29-39, and col. 5, lines 32-67). Hsu fails to explicitly teach *said particular document type definition... which corresponds to a definition for HTML documents*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the error correction feature of Hsu to HTML documents, because Hsu teaches an invention for “constructing semantic media structures for all different media in media documentation” (col. 1, lines 8-67).

Claims 3-6 are directed towards a client for carrying out the client of claims 2, 1, 1, and 1 respectively, and are similarly rejected.

Regarding independent claim 7, Hsu teaches *renderable content containing both malformed and well-formed expressions*-- “an error corrector for receiving raw AIU’S and for providing corrected raw AIU’s” (col. 2, lines 15-22, and col. 5, lines 32-67), and “hypermedia has become increasingly important in many applications, ranging from browsing of consumer-type information over the Internet” (col. 1, lines 12-67). Hsu fails to explicitly teach *accessing an input stream via a network connection and receiving a replaceable document type definition*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have accessed, and received the content stream via a network, because Hsu teaches an invention for “constructing semantic media structures for all different media in media documentation” (col. 1, lines 8-67).

Moreover, Hsu teaches *parsing said renderable content...to generate a well-formed content model, and manifesting said content model within a data processing environment*-- “an error corrector for receiving raw AIU’S and for providing corrected raw AIU’s” (col. 2, lines 15-22, col. 4, lines 29-39, and col. 5, lines 32-67). Hsu teaches the correction of parsable character components—“AIUs”--, which are to be displayed in a hypertextual/hypermedia environment.

Claims 8-11 are directed towards a method for carrying out the client of claims 2, 2, 2, and 2 respectively, and are similarly rejected.

Claim 12 is directed towards a client for carrying out the client of claim 1, and are similarly rejected.

Claim 13 is directed towards a method for implementing the client and method found in claims 1, and 7, and is similarly rejected.

Claims 14-18 are directed towards a method for carrying out the client of claims 2, 2, 2,

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and 2 respectively, and are similarly rejected.

Claims 19-21 are directed towards a client for carrying out the client of claims 2, 2, and 2 respectively, and are similarly rejected.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3, 7, 9, 13, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 1, 3, and 7, and in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Colby fails to suggest that a DTD component be replaced **during the execution of the browser** that controls the parsing of the content that may contain malformed expressions, to transform the malformed expressions **into well-formed expressions that may be rendered in a way that makes sense**" (p.7, pgph. 2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 3, 9, and 15, and in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Powell.... fails to show, teach, or otherwise suggest that a DTD component be replaced **during the execution of the browser** that controls the parsing of the to transform the malformed expressions **into well-formed expressions that may be rendered in a way that makes sense**" (p.9, pgph. 1) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The amendment of the claims introducing a newly added limitation **for correcting renderable content containing "malformed and well-formed expressions"**, which has altered the scope of the claims, and has necessitated the amendment above over Hsu. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SATO et al. (Pat. # 6,014,680).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The

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examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

- (703) 308-9051, (for formal communications intended for entry)

Or:

- (703) 308-5403, (for informal or draft communications for discussion only, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

CBP

02/23/01

Heather R. Herndon
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